

Federal Railroad Administration, DOT

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**APPENDIX A TO PART 229—FORM FRA
6180–49A**

EDITORIAL NOTE: Appendix A, published at 45 FR 21118, Mar. 31, 1980, as part of the original document, is not carried in the CFR. Copies of Form FRA F6180–49A are available

by contacting the Federal Railroad Administration, Office of Standards and Procedures, 1200 New Jersey Avenue, SE., Washington, DC 20590.

[45 FR 21109, Mar. 31, 1980, as amended at 74 FR 25174, May 27, 2009]

APPENDIX B TO PART 229—SCHEDULE OF CIVIL PENALTIES¹

Section	Violation	Willful violation
Subpart A—General		
229.7 Prohibited acts: Safety deficiencies not governed by specific regulations: To be assessed on relevant facts	\$1,000–5,000	\$2,000–7,500
229.9 Movement of noncomplying locomotives	(¹)	(¹)
229.11 Locomotive identification	1,000	2,000
229.13 Control of locomotives	2,500	5,000
229.15 Remote control locomotives	2,500	5,000
229.17 Accident reports	2,500	5,000
229.19 Prior Waivers	(¹)	(¹)
Subpart B—Inspection and tests		
229.21 Daily inspection:		
(a)(b):		
(1) Inspection overdue	2,000	4,000
(2) Inspection report not made, improperly executed, or not retained	1,000	2,000
(c) Inspection not performed by a qualified person	1,000	2,000
229.23 Periodic inspection General:		
(a)(1) Inspection overdue	2,500	5,000
(a)(2) Inspection performed improperly or at a location where the underneath portion cannot be safely inspected	2,500	5,000
(b)(1) Inspection overdue	2,500	5,000
(b)(2) Inspection overdue	2,500	5,000
(c) Inspection overdue	2,500	5,000
(e):		
(1) Form missing	1,000	2,000
(2) Form not properly displayed	1,000	2,000
(3) Form improperly executed	1,000	2,000
(f) Replace Form FRA F 6180.49A by April 2 or July 3	1,000	2,000
(g) Secondary record of the information reported Form FRA F 6180.49A	1,000	2,000
229.25 Tests: every periodic inspection:		
(a) through (d)(4) and (e) and (f) Tests	2,500	5,000
(d)(5) Ineffective maintenance	8,000	16,000
229.27 Annual tests	2,500	5,000
229.29 Biennial tests	2,500	5,000
229.31:		
(a) Biennial hydrostatic tests of main reservoirs	2,500	5,000
(b) Biennial hammer tests of main reservoirs	2,500	5,000
(c) Drilled telltale holes in welded main reservoirs	2,500	5,000
(d) Biennial tests of aluminum main reservoirs	2,500	5,000
229.33 Out-of-use credit	1,000	2,000
Subpart C—Safety Requirements		
229.41 Protection against personal injury	2,500	5,000
229.43 Exhaust and battery gases	2,500	5,000
229.45 General condition: To be assessed based on relevant facts	1,000–5,000	2,000–7,500
229.46 Brakes: General	2,500	5,000
229.47 Emergency brake valve	2,500	5,000
229.49 Main reservoir system:		
(a)(1) Main reservoir safety valve	2,500	5,000
(2) Pneumatically actuated control reservoir	2,500	5,000
(b)(c) Main reservoir governors	2,500	5,000
229.51 Aluminum main reservoirs	2,500	5,000
229.53 Brake gauges	2,500	5,000
229.55 Piston travel	2,500	5,000
229.57 Foundation brake gear	2,500	5,000
229.59 Leakage	2,500	5,000

Section	Violation	Willful viola- tion
229.61 Draft system	2,500	5,000
229.63 Lateral motion	2,500	5,000
229.64 Plain bearing	2,500	5,000
229.65 Spring rigging	2,500	5,000
229.67 Trucks	2,500	5,000
229.69 Side bearings	2,500	5,000
229.71 Clearance above top of rail	2,500	5,000
229.73 Wheel sets	2,500	5,000
229.75 Wheel and tire defects:		
(a),(d) Slid flat or shelled spot(s):		
(1) One spot 2½" or more but less than 3" in length	2,500	5,000
(2) One spot 3" or more in length	5,000	7,500
(3) Two adjoining spots each of which is 2" or more in length but less than 2½" in length	2,500	5,000
(4) Two adjoining spots each of which are at least 2" in length, if either spot is 2½" or more in length	5,000	7,500
(b) Gouge or chip in flange of:		
(1) more than 1½" but less than 1⅝" in length; and more than ½" but less than ⅝" in width	2,500	5,000
(2) 1⅝" or more in length and ⅝" or more in width	5,000	7,500
(c) Broken rim	5,000	7,500
(e) Seam in tread	2,500	5,000
(f) Flange thickness of:		
(1) ⅞" or less but more than 13⁄16"	2,500	5,000
(2) 13⁄16" or less	5,000	7,500
(g) Tread worn hollow	2,500	5,000
(h) Flange height of:		
(1) 1½" or greater but less than 1⅝"	2,500	5,000
(2) 1⅝" or more	5,000	7,000
(i) Tire thickness	2,500	5,000
(j) Rim thickness:		
(1) Less than 1" in road service and ¾" in yard service	2,500	5,000
(2) 1⅝" or less in road service and 1⅛" in yard service	5,000	7,500
(k) Crack of less than 1"	5,000	7,500
(1) Crack of less than 1"	2,500	5,000
(2) Crack of 1" or more	5,000	7,500
(3) Break	5,000	7,500
(l) Loose wheel or tire	5,000	7,500
(m) Welded wheel or tire	5,000	7,500
229.77 Current collectors	2,500	5,000
229.79 Third rail shoes and beams	2,000	4,000
229.81 Emergency pole; shoe insulation	2,500	5,000
229.83 Insulation or grounding	5,000	7,500
229.85 Door and cover plates marked "Danger"	2,500	5,000
229.87 Hand operated switches	2,500	5,000
229.89 Jumpers; cable connections:		
(a) Jumpers and cable connections; located and guarded	2,500	5,000
(b) Condition of jumpers and cable connections	2,500	5,000
229.91 Motors and generators	2,500	5,000
229.93 Safety cut-off device	2,500	5,000
229.95 Venting	2,500	5,000
229.97 Grounding fuel tanks	2,500	5,000
229.99 Safety hangers	2,500	5,000
229.101 Engines:		
(a) Temperature and pressure alarms, controls, and switches	2,500	5,000
(b) Warning notice	2,500	5,000
(c) Wheel slip/slide protection	2,500	5,000
229.103 Safe working pressure; factor of safety	2,500	5,000
229.105 Steam generator number	1,000	1,500
229.107 Pressure gauge	2,500	5,000
229.109 Safety valves	2,500	5,000
229.111 Water-flow indicator	2,500	5,000
229.113 Warning notice	2,500	5,000
229.114 Steam generator inspections and tests	2,500	5,000
229.115 Slip/slide alarms	2,500	5,000
229.117 Speed indicators	2,500	5,000
229.119 Cabs, floors, and passageways:		
(a)(1) Cab set not securely mounted or braced	2,500	5,000
(2) Insecure or improper latching device	2,500	5,000
(b) Cab windows of lead locomotive	2,500	5,000
(c) Floors, passageways, and compartments	2,500	5,000
(d) Ventilation and heating arrangement	2,500	5,000
(e) Continuous barrier	2,500	5,000

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Section	Violation	Willful viola- tion
(f) Containers for fuses and torpedoes	2,500	5,000
(g) Failure to equip	2,500	5,000
(h) Failure to maintain	2,500	5,000
(i) Failure to equip	2,500	5,000
229.121 Locomotive Cab Noise:		
(a) Performance Standards		
(1) Failure to meet sound level	5,000	7,500
(2) Improper maintenance alterations	2,500	5,000
(3) Failure to comply with static test protocols	2,500	5,000
(b) Maintenance of Locomotives		
(1) Failure to maintain excessive noise report record or respond to report as required	2,500	5,000
(3) Failure to make good faith effort as required	2,500	5,000
(4) Failure to maintain record as required	2,000	4,000
229.123 Pilots, snowplows, end plates	2,500	5,000
229.125		
(a) Headlights	2,500	5,000
(d) Auxiliary lights	2,500	5,000
229.127 Cab lights	2,500	5,000
229.129 Locomotive horn:		
(a) Prescribed sound levels	2,500	5,000
Arrangement of horn	2,500	5,000
(b) Failure to perform sound level test	2,500	5,000
(c) Sound level test improperly performed	2,500	5,000
Record of sound level test improperly executed, or not retained	1,000	4,000
229.131 Sanders	1,000	2,000
229.135 Event Recorders:		
(a) Lead locomotive without in-service event recorder	2,500	5,000
(b) Failure to meet equipment requirements	2,500	5,000
(c) Unauthorized removal or failure to remove from service	2,500	5,000
(d) Improper response to out of service event recorder	2,500	5,000
(e) Failure to preserve data or unauthorized extraction of data	2,500	5,000
(g) Tampering with device or data	2,500	5,000
229.137 Sanitation, general:		
(a) Sanitation compartment in lead unit, complete failure to provide required items	\$5,000	\$10,000
(1) Ventilation	2,500	5,000
(2) Door missing	2,000	4,000
(2)(i) Door doesn't close	1,000	2,000
(2)(ii) No modesty lock	1,000	2,000
(3) Not equipped with toilet in lead	5,000	10,000
(4) Not equipped with washing system	1,000	2,000
(5) Lack of paper	1,000	2,000
(6) Lack of trash receptacle	1,000	2,000
(b) Exceptions:		
(1)(i) Commuter service, failure to meet conditions of exception	2,500	5,000
(1)(ii) Switching service, failure to meet conditions of exception	2,500	5,000
(1)(iii) Transfer service, failure to meet conditions of exception	2,500	5,000
(1)(iv) Class III, failure to meet conditions of exception	2,500	5,000
(1)(v) Tourist, failure to meet conditions of exception	2,500	5,000
(1)(vi) Control cab locomotive, failure to meet conditions of exception	2,500	5,000
(2) Noncompliant toilet	5,000	10,000
(c) Defective/unsanitary toilet in lead unit	2,500	5,000
(1-5) Failure to meet conditions of exception	2,500	5,000
(d) Defective/unsanitary unit; failure to meet conditions for trailing position	2,500	5,000
(e) Defective/sanitary unit; failure to meet conditions for switching/transfer service	2,500	5,000
(f) Paper, washing, trash holder; failure to equip prior to departure	2,500	5,000
(g) Inadequate ventilation; failure to repair or move prior to departure	2,500	5,000
(h) Door closure/modesty lock; failure to repair or move	1,000	2,000
(i) Failure to retain/maintain of equipped units	2,500	5,000
(j) Failure to equip new units/in-cab facility	2,500	5,000
(k) Failure to provide potable water	2,500	5,000
229.139 Servicing requirements:		
(a) Lead occupied unit not sanitary	2,500	5,000
(b) Components not present/operating	2,500	5,000
(c) Occupied unit in switching, transfer service, in trailing position not sanitary	2,500	5,000
(d) Defective unit used more than 10 days	2,500	5,000
(e) Failure to repair defective modesty lock	1,000	2,000
229.140 Alerters	2,500	5,000
229.141 Body structure, MU locomotives	2,500	5,000

Subpart D—Locomotive Crashworthiness Design Requirements

229.205 General requirements:

Section	Violation	Willful violation
(a)(1) Wide-nose locomotive not designed in compliance with AAR S-580-2005	\$5,000	\$7,500
(2) Wide-nose locomotive not designed in compliance with new approved design standard	5,000	7,500
(3) Wide-nose locomotive not designed in compliance with alternate approved design standard	5,000	7,500
(b) Monocoque or semi-monocoque locomotive not in compliance with design requirements	5,000	7,500
(c) Narrow-nose not in compliance with design requirements	5,000	7,500
229.206 Design requirements:		
Locomotive fails to meet—		
(1) Emergency egress requirements	2,500	5,000
(2) Emergency interior lighting requirements	2,500	5,000
(3) Interior configuration requirements	2,500	5,000
229.213 Locomotive manufacturing information:		
(a) Failure to retain required information	2,500	5,000
(b) Failure to produce required information	2,500	5,000
229.215 Retention and inspection of designs:		
(a) Failure to retain required design records	2,500	5,000
(b) Failure to retain required repair or modification records	2,500	5,000
(c) Failure to make records available when requested	2,500	5,000
229.217 Fuel tank:		
(a) External fuel tank	5,000	7,500
(b) Internal fuel tank	5,000	7,500
Subpart E—Locomotive Electronics		
229.307 Safety analysis:		
(a) Failure to establish and maintain a safety analysis	5,000	10,000
(b) Failure to provide safety analysis upon request	2,500	5,000
(c) Failure to comply with safety analysis	5,000–10,000	15,000
229.309 Safety-critical changes and failure:		
(a)(1) Failure to notify FRA	1,000	2,000
(a)(2) Failure to update safety analysis	3,500	7,000
(a)(4) Failure to notify manufacturer	10,000	15,000
(b) Failure to notify railroad	10,000	15,000
(c) Failure to establish and maintain program	3,500	7,000
229.311 Review of SAs:		
(a) Failure to notify FRA	1,000	2,000
(b) Failure to report	1,000	2,000
(c) Failure to correct safety hazards	5,000–10,000	15,000
(d) Failure to final report	1,000	2,000
229.313 Product testing results and records:		
(a) Failure to maintain records and database	5,000	10,000
(b) Incomplete testing records	3,500	7,000
(c) Improper signature	3,500	7,000
229.315 Operations and maintenance manual:		
(a) Failure to implement and maintain manual	5,000	10,000
(c) Failure to document revisions	5,000	10,000
(d) Failure to follow plan	5,000–10,000	15,000
229.317 Training and qualification program:		
(a) Failure to establish and implement program	5,000	10,000
(b) Failure to conduct training	2,500	5,000
(g) Failure to evaluate program	2,500	5,000
(h) Failure to maintain records	1,500	3,000
229.319 Operating personnel training	2,500	5,000

¹ A penalty may be assessed against an individual only for a willful violation. Generally, when two or more violations of these regulations are discovered with respect to a single locomotive that is used by a railroad, the appropriate penalties set forth above are aggregated up to a maximum of \$16,000 per day. However, a failure to perform, with respect to a particular locomotive, any of the inspections and tests required under subpart B of this part will be treated as a violation separate and distinct from, and in addition to, any substantive violative conditions found on that locomotive. Moreover, the Administrator reserves the right to assess a penalty of up to \$105,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

Failure to observe any condition for movement set forth in § 229.9 will deprive the railroad of the benefit of the movement-for-repair provision and make the railroad and any responsible individuals liable for penalty under the particular regulatory section(s) concerning the substantive defect(s) present on the locomotive at the time of movement. Failure to comply with § 229.19 will result in the lapse of any affected waiver.

[53 FR 52931, Dec. 29, 1988, as amended at 58 FR 36615, July 8, 1993; 61 FR 8888, Mar. 6, 1996; 63 FR 11622, Mar. 10, 1998; 67 FR 16052, Apr. 4, 2002; 69 FR 30594, May 28, 2004; 70 FR 21920, Apr. 27, 2005; 70 FR 37942, June 30, 2005; 71 FR 36915, June 28, 2006; 71 FR 47667, Aug. 17, 2006; 71 FR 63136, Oct. 27, 2006; 72 FR 51197, Sept. 6, 2007; 73 FR 79703, Dec. 30, 2008; 77 FR 21351, Apr. 9, 2012; 77 FR 24421, Apr. 24, 2012]